

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Nathen Barton,

Plaintiff

v.

Serve All, Help All, Inc.

and

John Doe 1-10

Defendant(s).

CASE NO. 3:21-CV-05338-BHS

DECLARATION OF
NATHEN BARTON
SUPPORTING THE
MOTION FOR SUMMARY
JUDGEMENT

NOTED FOR:
MAY 27, 2022

My name is Nathen Barton and I live at 4618 NW 11th Cir, Camas WA 98607. I am over the age of eighteen, and otherwise competent to be a witness in this matter. Except as expressly set forth herein, I make this declaration in my personal capacity and based on my personal knowledge.

1. During all times relevant to this lawsuit, cell phone number (360) 910-1019 was registered to me.
2. Cell phone number (360) 910-1019 was assigned to me on July 9, 2020.
3. During all time relevant to this lawsuit cell phone number (360) 910-1019 was used as a residential phone line.

- 1 4. Before the day I was assigned this phone number by a phone carrier, I had no idea
- 2 this phone number would be assigned to me.
- 3 5. I did not ask for a specific number, to me it was a random assignment.
- 4 6. I never gave Serve All, Help All, Inc. consent to initiate phone calls to me utilizing
- 5 artificial voice or speech.
- 6 7. I did not know who they were prior to SAHA sending me an email on February 17,
- 7 2021. I am not a bona fide or active member of SAHA. I never have been.
- 8 8. I never gave Serve All, Help All, Inc. consent to initiate phone calls to (360) 910-
- 9 1019 utilizing artificial voice or speech.
- 10 9. I was inside Clark County, Washington during the three documented calls from Serve
- 11 All, Help All, Inc.
- 12 10. Serve All, Help All, Inc. did not disclose to me during any phone call that they were
- 13 recording the call.
- 14 11. Serve All, Help All, Inc. did not ask me at any time if they could record any phone
- 15 call.
- 16 12. Figure 1, shown in the associated Motion for Summary Judgement, is a true and
- 17 accurate copy of the robocall transcript as provided to me by Serve All, Help All, Inc.
- 18 (“SAHA”).
- 19 13. On February 15, 2021, I received a robocall from SAHA.
- 20 14. During the artificial speech portion of the call, SAHA did not disclose who initiated
- 21 the call or on whose behalf the call was initiated.
- 22 15. Eventually I spoke with a live person during this call. This person identified the
- 23 calling entity as “Nonprofit Alliance”.
- 24

1 16. I told this live person that the (360) 910-1019 number was my son's telephone
2 number.

3 17. The Admissions and the responses shown in the associated Motion for Summary
4 Judgement are a true and accurate copy of what I served to SAHA and their
5 responses.

6 18. The Interrogatories and the responses shown in the associated Motion for Summary
7 Judgement are a true and accurate copy of what I served to SAHA and their
8 responses.

9 19. "March 30 Email – from J.P. De La Vega", shown in the associated Motion for
10 Summary Judgement, is a true and accurate copy of a portion of an email provided to
11 me by Serve All, Help All, Inc. ("SAHA"). The portion shown is not edited or
12 modified.

13 20. The email from Donna Gibson dated March 29, 2022 and shown in the associated
14 Motion for Summary Judgement, is a true and accurate copy of a portion of an email
15 provided to me by Opposing Counsel. The portion shown is not edited or modified.

16 21. The call transcripts shown are portions of transcripts given to me by SAHA. The
17 portions shown are true and correct portions, and not modified by me or edited, or
18 done in some way to mislead.

19 22. The Fictitious Business Name Statement shown in the associated Motion for
20 Summary Judgement is a true and accurate copy of a portion of a document sent to
21 me by the Orange County, California, clerk.

22 23. I purchased all the SAHA documents available from the Orange County, California
23 clerk and this is the only assumed name document relevant to "Nonprofit Alliance of
24 Consumer Advocates".

1 24. I found no records that “Nonprofit Alliance” is a registered doing-business-as for
2 SAHA.

3 25. SAHA admitted that “Our [SAHA] outgoing message actually read: “ATTENTION
4 William Wilder at 4738 Bellwood Drive...the Sale Date of February 26th is being
5 reset, you must act now....(cont)”.

6 26. Opposing Counsel turned over an audio file named
7 ‘Carlos_20210215_from3609101019to124_7m14sec.mp3’ to me. It is a recording of
8 a conversation between SAHA and me that took place on February 15, 2021.

9 27. Exhibit C attached to the associated Motion for Summary Judgement is a true and
10 accurate copy of a document SAHA purports to be a transcript of the audio file
11 ‘Carlos_20210215_from3609101019to124_7m14sec.mp3’ and was given to me by
12 Opposing Counsel.

13 28. Opposing Counsel turned over an audio file named ‘Ricardo call.mp3’ to me. It is a
14 recording of a conversation between SAHA and me that took place on February 22,
15 2021.

16 29. Exhibit D attached to the associated Motion for Summary Judgement is a true and
17 accurate copy of a document SAHA purports to be a transcript of the audio file
18 ‘Ricardo call.mp3’ and was given to me by Opposing Counsel.

19 30. Exhibit F attached to the associated Motion for Summary Judgement contains a true
20 and accurate copy of the registration email I received after registered cell phone
21 number (360) 910-1019.

22 31. SAHA injured my person and reputation by recording phone calls without my
23 permission.
24

1 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
2 statements are true and correct.

3
4 s/ Nathen Barton
5 Signed by Nathen Barton

5/2/2022
Date

Signed in Camas Washington
Clark County